



GOVERNMENT OF THE DISTRICT OF COLUMBIA

OFFICE OF DISABILITY RIGHTS

District Employee Vaccination Requirement Reasonable Accommodations for Individuals with Disabilities

Updated August 26, 2021

Purpose

The purpose of this document is to provide guidance to District Government Americans with Disabilities Act (ADA) Agency Coordinators (ADA Coordinators), Human Resources (HR) Managers, and supervisors on processing reasonable accommodation requests for a medical exemption from the vaccination mandate in compliance with the ADA and the DC Human Rights Act.¹

This guidance is based in part on materials published by DC Health, the Centers for Disease Control and Prevention (CDC), and the U.S. Equal Employment Opportunity Commission.² It covers major considerations for the vaccine mandate, such as:

- [District Vaccination Policy](#)
- [Providing Notice to Employees](#)
- [Medical Reasonable Accommodation Considerations](#)
- [Answers to Frequently Asked Questions](#)
- [Additional Inquiries and Technical Guidance](#)

District Vaccination Policy

Pursuant to Mayor's Order 2021-099 (issued August 10, 2021), all current District employees and interns (Employees) must provide proof by September 19, 2021 that they received a full course of vaccination against COVID-19, or decided to remain unvaccinated, including through medical or religious exemption, in which case they must be tested weekly.³ Additionally, all newly hired employees responding to job postings made after August 14, 2021 are required to provide proof of full COVID-19 vaccination prior to commencing employment with the District, absent a medical or religious exemption. This guidance will only address medical exemptions.

Requesting a medical exemption from the vaccination mandate is voluntary while the testing option is generally available without condition. However, Employees will need an exemption if a medical issue precludes their ability to get vaccinated should the general availability of the

¹ Mayor's Order 2021-099 (August 10, 2021), found at:

coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/page_content/attachments/MayorsOrder2021.099.pdf; See *Americans with Disabilities Act*, 42 U.S.C. §12101 (Sep 26, 2008) and *DC Human Rights Act of 1977, as amended*. D.C. Code §2-1401.01 (Apr 16, 2020).

² coronavirus.dc.gov/vaccine; cdc.gov/coronavirus; eeoc.gov/coronavirus

³ See footnote 1 at sections II, III.

testing option without condition expire. Accordingly, Employees are encouraged to begin the reasonable accommodation process as soon as possible to avoid delays and minimize disruption to agency operations.

Accommodations requesting a medical exemption from the vaccination mandate should be evaluated in the same manner as those that were received during the ordinary course of business.⁴ Agency ADA Coordinators should refer to the resources and training provided by the Office of Disability Rights (ODR) when processing all reasonable accommodation requests.⁵

Providing Notice to Employees

Each agency, with the assistance of its ADA Coordinator, should ensure that all agency Employees know whom to contact to request a reasonable accommodation and appeal a determination. Additionally, ODR recommends that each agency post the reasonable accommodation protocol on the agency intranet site or other portal that employees regularly use to access information.

Medical Reasonable Accommodation Considerations

Employees who cannot be vaccinated due to a medical condition must receive an exemption from the agency ADA Coordinator. According to the CDC, there are limited medical conditions that would render a COVID-19 vaccine inadvisable:

- Individuals who experience a severe allergic reaction, known as anaphylaxis, after getting the first shot, should not get a second shot.
- Individuals who experience an immediate allergic reaction after getting the first shot, should not get a second shot, even if the reaction was not severe enough to warrant hospitalization or urgent medical care.
- An individual who is allergic to one or more ingredients in all available COVID-19 vaccines should not get vaccinated.

Answers to Frequently Asked Questions

What is a “severe allergic reaction?”

A “severe allergic reaction” occurs when the individual needs to be treated with an EpiPen (epinephrine) or must go to the hospital.⁶

⁴ *Enhancing Compliance with the Disability Rights Protection Act of 2006 and the Americans with Disabilities Act*. Mayor’s Order 2017-010 (Jan 20, 2017), found at dcregs.dc.gov/Common/NoticeDetail.aspx?noticeId=N0062097.

⁵ See ODR Manual for Accommodating Employees with Disabilities, found at: odr.dc.gov/book/manual-accommodating-employees-disabilities.

⁶ COVID-19 Vaccines for People with Allergies, found at: cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/specific-groups/allergies.html.

What is an “immediate allergic reaction?”

An “immediate allergic reaction” is a reaction, such as hives, swelling, wheezing, or other respiratory distress that occurs within four (4) hours of vaccination.⁷

What are the ingredients in the COVID-19 vaccines?

[This chart](#) contains a list of the active and inactive ingredients of each vaccine.⁸

For vaccine-specific ingredients:

- Pfizer-BioNTech⁹
- Moderna¹⁰
- Johnson & Johnson’s Janssen¹¹

What information may an ADA Coordinator request from the individual?

An individual who requests an exemption from the vaccination requirement must provide a note from an appropriate health care provider establishing:

- An allergy to an ingredient / component in the vaccine (in which case the individual would have to establish an allergy to all three (3) currently available vaccines for full exemption),
- A severe allergic reaction after receiving the first shot, or
- An immediate reaction after receiving the first shot.

Individuals should consult with their health care provider to select the most appropriate vaccine if at least one is medically advisable for the individual.

Do individuals who have already contracted COVID-19 still need to be vaccinated?

Yes.¹²

Should individuals who are currently sick with COVID-19 get vaccinated?

No, they should wait until they have recovered from the illness before getting the vaccine.¹³

Are antibody tests an acceptable alternative to testing and/or the vaccine?

No.

What alternatives are available for Employees who received an exemption to the vaccine requirement?

⁷ See footnote 6.

⁸ Ingredients included in COVID-19 vaccines, found at: [cdc.gov/vaccines/covid-19/clinical-considerations/covid-19-vaccines-us.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fvaccines%2Fcovid-19%2Finfo-by-product%2Fclinical-considerations.html#Appendix-C](https://www.cdc.gov/vaccines/covid-19/clinical-considerations/covid-19-vaccines-us.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fvaccines%2Fcovid-19%2Finfo-by-product%2Fclinical-considerations.html#Appendix-C)

⁹ [cdc.gov/coronavirus/2019-ncov/vaccines/different-vaccines/Pfizer-BioNTech.html](https://www.cdc.gov/coronavirus/2019-ncov/vaccines/different-vaccines/Pfizer-BioNTech.html)

¹⁰ [cdc.gov/coronavirus/2019-ncov/vaccines/different-vaccines/Moderna.html](https://www.cdc.gov/coronavirus/2019-ncov/vaccines/different-vaccines/Moderna.html)

¹¹ [cdc.gov/coronavirus/2019-ncov/vaccines/different-vaccines/Janssen.html](https://www.cdc.gov/coronavirus/2019-ncov/vaccines/different-vaccines/Janssen.html)

¹² [cdc.gov/coronavirus/2019-ncov/vaccines/faq.html](https://www.cdc.gov/coronavirus/2019-ncov/vaccines/faq.html)

¹³ See footnote 12.

Employees who receive an exemption from the vaccine requirement must provide a copy of a negative test result from a COVID-19 test taken within the preceding seven (7) days on a weekly basis. Other accommodations may be appropriate based on agency operational necessity.¹⁴

Employees exempt from the vaccine requirement must still follow other public health requirements such as wearing a mask in all District facilities.

What is the reporting protocol for Employees who are granted an exemption from the vaccination requirement?

To protect the confidential nature of medical accommodations, agencies should designate a single representative to provide generic approval documentation for Employees who are requesting an exemption for both medical and religious reasons. Employees will then upload the documentation to PeopleSoft. Accordingly, ADA Coordinators should inform the agency representative of medical accommodation requests that are granted. Pursuant to the [ADA policy notice](#), Employees will contact the ADA Coordinator, and not the agency representative, to appeal any determination.

Agencies should process medical exemption requests within seven (7) calendar days of receipt or earlier to the greatest extent practicable.

What is the protocol for Employees who receive an exemption from both the vaccination requirement and testing option?

Beyond seeking a medical exemption from vaccination, Employees may submit an accommodation from the testing option as well. With a rare exception, there are no medically appropriate reasons to exempt an individual from the nasal swab testing option.¹⁵ In the event that a nasal swab COVID-19 test is medically inadvisable, an individual should ask for an accommodation for an alternative test. But again, to date, there are no known medical conditions that would justify a complete exemption from the testing option.

In the rare circumstance that an individual has both a valid medical exemption from taking the vaccine and the COVID-19 test, the ADA Coordinator should grant the accommodation advised by the Employee's health care provider.

Additional Inquiries and Technical Assistance

The DC Office of Disability Rights (ODR) encourages District ADA Coordinators, HR Managers, and supervisors to review the guidance issued by the CDC, DC Health, and EEOC and to consult ODR where additional information or technical assistance is needed to determine whether to grant or deny a reasonable accommodation.

¹⁴ *What You Should Know about COVID-19, the ADA, the Rehabilitation Act, and Other EEO Laws* (WYSK) at section K, found at: eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eEO-laws.

¹⁵ There may be limited exceptions in the event of significant deformity to the nose / nasal passages. Because the nasal swab is limited to the mid-turbinate, sinus issues would not be a concern.

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Please note that ADA Coordinators are obligated to record each request in the ODR Centralized Reasonable Accommodation Database, pursuant to Mayor's Order 2017-010.¹⁶

For additional questions, technical assistance, and resources, please contact ODR at ODR@dc.gov or (202) 724-5055.

¹⁶ See footnote 4